

Notice of Allowability

Application No.

09/522,322

Examiner

Susanna M. Diaz

Applicant(s)

FABER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's Amendment agreed to on July 23, 2007.
2. ☒ The allowed claim(s) is/are 1-6, 9-16, 18-21, 26-29, 31-40, 57, 58 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date two dated 4/18/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
Au 3694

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Ward (Reg. No. 40,216) on July 23, 2007.

The application has been amended as follows:

1. (Currently Amended) A computer system, comprising:

a memory to store a database;

a first logic unit linked with the database to establish a first communications connection with an information provider and to record a first communication in real time as the first communication is being articulated by the information provider over the first communications connection, the database to store the first recorded communication, wherein the database further stores information about an account set up for the information provider;

a second logic unit to provide to a user a list of recorded communications including the first recorded communication, ~~the communications recorded prior to a user generated request,~~ the list including a rate per period of time to access a respective recorded communications communication, and the list including a user selectable link for the respective recorded ~~communications~~ communication, which when selected

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causes a central controller to facilitate establishing a connection with the user to provide the selected recorded communication to the user;

in response to the user selecting a the user selectable link of a recorded communication from the list of recorded communications, the central controller to facilitate establishing a connection with the user to provide the selected recorded communication to the user; and

a third logic unit to bill the user in response to providing the selected communication to the user, wherein the third logic unit is to track how long the selected recorded communication is delivered to the user and to credit to the account an amount based upon how long the selected recorded communication is delivered minus a fee.

2. (Currently Amended) The system as described in claim 1, wherein the database further stores a description of the ~~information~~ the first communication.

3. (Original) The system as described in claim 2, further comprising a fourth logic unit linked with the database to establish a computer connection with an information provider computer and to receive via the computer connection the description from the information provider.

4. (Original) The system as described in claim 3, wherein the computer connection is established through a web site accessible by the information provider computer.

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5. (Previously Presented) The system as described in claim 2, wherein the second logic unit is to establish a computer connection with a user computer and to deliver the description to the user computer via the computer connection.

6. (Original) The system as described in claim 5, wherein the computer connection is established through a web site accessible by the user computer.

7-8. (Canceled)

9. (Original) The system as described in claim 1, wherein the first communications connection includes an audio connection.

10. (Original) The system as described in claim 1, wherein the first communications connection includes a video connection.

11. (Original) The system as described in claim 1, wherein the first communications connection is established over a computer network.

12. (Original) The system as described in claim 1, wherein the first communications connection is established over a telephone network.

13. (Original) The system as described in claim 1, wherein the second communications connection includes an audio connection.

14. (Original) The system as described in claim 1, wherein the second communications connection includes a video connection.

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15. (Original) The system as described in claim 1, wherein the second communications connection is established over a computer network.
16. (Original) The system as described in claim 1, wherein the second communications connection is established over a telephone network.
17. (Canceled)
18. (Currently Amended) The system as described in claim 1, further comprising a fourth logic unit to track how long the ~~information~~ selected recorded communication is delivered to the user and the third logic unit bills the user based upon how long the ~~information~~ selected recorded communication is delivered.
19. (Original) The system as described in claim 1, wherein the database further stores information about a user account.
20. (Currently Amended) The system as described in claim 19, wherein the third logic unit is to deduct an amount from the user account for the ~~information~~ selected recorded communication.
21. (Previously Presented) The system as described in claim 19, wherein the third logic unit is to track how long the selected recorded communication is delivered to the user and to deduct from the user account an amount based upon how long the selected recorded communication is delivered.
22. (Canceled)

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23. (Canceled)

24. (Canceled)

25. (Canceled)

26. (Currently Amended) A method of information recording and delivering, the method comprising:

establishing a first communications connection with an information provider;

recording a first communication in real time as the first communication is being articulated by the information provider over the first communications connection;

providing to a user a list of recorded communications, including the first recorded communication, ~~the communications recorded prior to a user-generated request~~, the list including a rate per period of time to access a respective recorded ~~communications~~ communication, and the list including a user selectable link for the respective recorded ~~communications~~ communication, which when selected causes a central controller to facilitate establishing a connection with the user to provide the selected recorded communication to the user;

in response to the user selecting the user selectable link of a recorded communication from the list of recorded communications, the central controller facilitating establishing a connection with the user to provide the selected recorded communication to the user; and

billing the user in response to providing the selected communication to the user, comprising tracking how long the selected recorded communication is delivered to the

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user and crediting to an account set up for the information provider an amount based upon how long the selected recorded communication is delivered minus a fee.

27. (Previously Presented) The method as described in claim 26, further comprising:
storing a description of the first recorded communication provided by the

information provider; and

including the description within the list of recorded communications .

28. (Previously Presented) The method as described in claim 27, further comprising:
establishing a first computer connection with an information provider computer;

and

receiving the description from the information provider over the first computer connection.

29. (Previously Presented) The method as described in claim 27, further comprising:
establishing a second computer connection with a user computer, wherein the list of recorded communications is delivered to the user via the second computer connection.

30. (Canceled)

31. (Previously Presented) The method as described in claim 27 wherein the list is delivered to the user in response to a keyword search.

32. (Previously Presented) The method as described in claim 27 wherein the list is delivered to the user in response to a category selection.

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33. (Original) The method as described in claim 26, wherein the first communications connection includes an audio connection.

34. (Original) The method as described in claim 26, wherein the first communications connection includes an a video connection.

35. (Original) The method as described in claim 26, wherein the first communications connection is established over a computer network.

36. (Original) The method as described in claim 26, wherein the first communications connection is established over a telephone network.

37. (Original) The method as described in claim 26, wherein the second communications connection includes an audio connection.

38. (Original) The method as described in claim 26, wherein the second communications connection includes a video connection.

39. (Original) The method as described in claim 26, wherein the second communications connection is established over a computer network.

40. (Original) The method as described in claim 26, wherein the second communications connection is established over a telephone network.

41-56. (Canceled)

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57. (Currently Amended) A machine readable medium having stored thereon a set of instructions, which when executed, perform a method comprising:

establishing a first communications connection with an information provider;

recording a first communication in real time as the first communication is being articulated by the information provider over the first communications connection;

providing to a user a list of recorded communications, including the first recorded communication, ~~the communications recorded prior to a user generated request~~, the list including a rate per period of time to access a respective recorded communications communication, and the list including a user selectable link for the respective recorded ~~communications communication~~, which when selected causes a central controller to facilitate establishing a connection with the user to provide the selected recorded communication to the user;

in response to the user selecting the user selectable link of a recorded communication from the list of recorded communications, the central controller facilitating establishing a connection with the user to provide the selected recorded communication to the user; and

billing the user in response to providing the selected communication to the user, comprising tracking how long the selected recorded communication is delivered to the user and crediting to an account set up for the information provider an amount based upon how long the selected recorded communication is delivered minus a fee.

58. (Currently Amended) A system for information recording and delivering, the system comprising:

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means for establishing a first communications connection with an information provider;

means for recording a first communication in real time as the first communication is being articulated by the information provider over the first communications connection;

means for providing to a user a list of recorded communications, including the first recorded communication, ~~the communications recorded prior to a user generated request~~, the list including a rate per period of time to access a respective recorded communications communication, and the list including a user selectable link for the respective recorded ~~communications communication~~, which when selected causes a central controller to facilitate establishing a connection with the user to provide the selected recorded communication to the user;

a central controller means for facilitating establishing a connection with the user to provide the selected recorded communication to the user, in response to the user selecting the user selectable link of a recorded communication from the list of recorded communications; and

means a means for billing the user in response to providing the selected communication to the user, comprising means for tracking how long the selected recorded communication is delivered to the user and for crediting to an account set up for the information provider an amount based upon how long the selected recorded communication is delivered minus a fee.

59. (Canceled)

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60. (Previously Presented) The system of claim 1, wherein the first communications connection further comprises a telephone connection that supports two way voice communication that is at least one of a two way live conversation, a one way recording, or a one way live communication.

61. (Canceled)

Reasons for Allowance

2. Claims 1-6, 9-16, 18-21, 26-29, 31-40, 57, 58, and 60 are allowed.

3. The following is an examiner's statement of reasons for allowance:

As seen in the art rejection mailed February 7, 2007, Rossides (U.S. Patent No. 6,131,085) discloses a system in which users may look for stored answers to their questions and pay for access to these answers. Yokono (US 2002/0029241) discloses the concept of paying per rate of time to download information. Applicant's arguments presented on pages 9-11 of the response filed on May 7, 2007 have persuasively argued that the claimed invention is unobvious over Rossides in view of Yokono. Speicher (U.S. Patent No. 6,282,515) discloses an audiotext-Internet personal ad service that allows a user to select from a list of pre-recorded dating (i.e., personal profile) messages or advertisements of other date-seeking, registered people (i.e., information providers). The user can access these messages via a 1-900 number. Articles like "Legislation is Planned to Hem in 'Scooplines' Covers Revealing Rates, Blocking Service" and "1-900 (Pay-For-Information Phone Services)" explain the

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importance of disclosing per minute charges for 1-900 calls in light of enacted consumer protection legislation. However, the date-seeking, registered people (i.e., information providers) who have pre-recorded messages in Speicher do not get paid to use the personal ad service. Additionally, Speicher does not expressly state how the 1-900 fee would be split among the ad service provider and the date-seeking, registered people (i.e., information providers), if at all. While, individually, each of Rossides, Yokono, Speicher, "Legislation is Planned to Hem in 'Scooplines' Covers Revealing Rates, Blocking Service," and "1-900 (Pay-For-Information Phone Services)" discloses limited aspects of the claimed invention, the combination of all of the claimed features in one unified system, method, and computer program product is deemed to be unobvious in light of the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

NEC Corp. (JP 2002007887 A) – Provides users with pre-recorded answers to their questions.


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"Keen.com™, the Most Popular U.S. Question and Answer Marketplace, Goes International 90 Days After Launch" – Discusses Keen.com™'s Live Answer Community™ services.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susanna M. Diaz
Primary Examiner
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July 23, 2007